

## **REMARKS**

The above amendments are made in response to the Office action of May 19, 2008. The Examiner's reconsideration is respectfully requested in view of the above amendment and the following remarks.

Claims 8-16 are pending in the present application. Claims 1-7 have been previously cancelled. Claims 8 and 11-16 stand rejected over prior art references.

Applicants gratefully acknowledge that the Examiner has indicated that the present application includes allowable subject matter. The Examiner states that claims 9 and 10 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Claims 8 and 10 have been amended and claim 9 has been cancelled, leaving claims 8, and 10-16 for consideration upon entry of the present amendment. Support for the amendment to claim 8 may be found at least in cancelled claim 9; and claim 10 has been amended to depend from claim 8 rather than cancelled claim 9. No new matter has been added.

### ***Claim Rejections Under 35 U.S.C. § 102***

In order to anticipate a claim under 35 U.S.C. §102, a single source must contain all of the elements of the claim. *Lewmar Marine v. Barient, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), *cert denied*, 484 U.S. 1007 (1988). Moreover, the single source must disclose all of the claimed elements "arranged as in the claim." *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1274 (Fed. Cir. 1984). Missing elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 780, 227 U.S.P.Q. 773, 777 (Fed. Cir. 1985).

Claims 8 and 11-13 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Omae et al. (U.S. Patent No. 5,299,289, hereinafter "Omae"). Applicants respectfully believe the Examiner intended to reject claims 8 and 11-13 under 35 U.S.C. § 102(b), however. In any event, the Examiner states that Omae discloses all of the elements of the abovementioned claims, primarily in FIGS. 4, 5 and 7; and paragraph

bridging columns 7-8. Applicants respectfully traverse for at least the reason set forth below.

Claim 1 has been amended to include the allowable subject matter with respect to claim 9 indicated on page 4 of the Detailed Action, and thus admittedly defines over Omae.

In particular, Omae admittedly does not teach or suggest the first panel further comprises a black matrix formed directly on an inner surface of the insulating substrate, the black matrix having a plurality of openings on pixel areas and red, green, and blue color filters formed on the pixel areas and arranged in sequence, as recited in amended independent claim 8.

Thus, independent claim 8, including claims depending therefrom, i.e., claims 10-13, 15 and 16, admittedly define over Omae.

Accordingly, Applicants respectfully request that the Examiner withdraw his rejections and allow claims 8 and 11-13 under 35 U.S.C. §102(e) and §102(b).

### **Rejections Under 35 U.S.C. § 103**

In order for an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996). See MPEP 2143.

Claims 14-16 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Omae in view of the knowledge of one of ordinary skill in the art at the time of the invention. The Examiner states that Omae discloses all of the elements of the abovementioned claims except, *the claimed slit range, conductive layer and insulative*

*diffraction layer*, which the Examiner further states is well known and would have been obvious to one of ordinary skill at the time of the invention.

As mentioned above for amended independent claim 1, claim 9 depends from claim 1 which admittedly defines over Omae as discussed above.

The use of the alleged well known *claimed slit range, conductive layer and insulative diffraction layer* does not cure the defects of Omae with respect to amended independent claim 1 having the limitations of allowable claim 9, namely, it does not teach, suggest or disclose **the first panel further comprises a black matrix formed directly on an inner surface of the insulating substrate, the black matrix having a plurality of openings on pixel areas and red, green, and blue color filters formed on the pixel areas and arranged in sequence**, as claimed in independent claim 1.

Applicants submit that Omae, either alone or in combination with the allegedly well known *claimed slit range, conductive layer and insulative diffraction layer*, does not render obvious the subject matter of independent claim 1. Claims 14-16 depend from claim 1, and thus includes the allowable elements of claim 1. It is thus believed that the dependent claims are patentable over the cited references for at least the reasons given above for independent claim 1.

Accordingly, it is respectfully submitted that the claimed invention is allowable over the cited references. The Examiner's reconsideration and withdrawal of the rejection of claims 14-16, and subsequent allowance of those claims, is respectfully requested.

***Conclusion***

In light of the above remarks, the present application including claims 8 and 10-16 are believed to be in condition for allowance.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the outstanding rejections. If there are any charges due with respect to this response, please charge them to Deposit Account No. 06-1130 maintained by Applicants' Attorneys.

Respectfully submitted,

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